Amendment and Response
Serial No.: 09/822,651
Confirmation No.: 9447
Filed: 30 March 2001
For: WEB HAVING DISCRETE STEM REGIONS

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Remarks

The Office Action dated 16 October 2002 has been received and reviewed. Claims 21, 40-42, and 48 have been amended, and claim 49 has been cancelled. The pending claims are claims 21-48 and 50-55. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Amendments

Claims 40-42 and 48 have been amended to correct various informalities.

Claim 21 has been amended to recite that the web includes two opposing sides and a length. Support for this amendment may be found in the Specification at, e.g., page 11, line 5 through page 30, line 14. Further support may be found, e.g., in FIGS. 3-7. No new matter was added.

Claim Objections

Claims 40-42 and 48 were objected to for various informalities. In response, Applicants have amended claims 40-42 and 48 as recommended by the Office Action. Reconsideration and withdrawal of these objections are, therefore, respectfully requested.

Double Patenting Rejection

Claim 49 was objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 48. In response, Applicants have cancelled claim 49. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

The 35 U.S.C. § 102 Rejections

Claims 21-31, 33-35, 37, 39-40, 42-53, and 55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Thomas (U.S. Patent No. 5,586,371).

Applicants traverse this rejection and submit that claims 21-31, 33-35, 37, 39-40, 42-53, and 55 are not anticipated by Thomas because such reference does not teach each and every element of the rejected claims. For a claim to be anticipated under 35 U.S.C. § 102(b), each and every element of the claim must be found in a single prior art reference. *See* M.P.E.P. § 2131.

Each of the independent claims of the present invention (i.e., claims 21, 40, and 48) recites a plurality of discrete polymeric regions fused to a first major side of the web. A plurality of stems extends from each discrete polymeric region of the plurality of polymeric regions.

In contrast to claims 21, 40, and 48, Thomas teaches an array of free formed loops 22 joined to a substrate 24. *See* Thomas, column 5, lines 2-4. The bases 26 of the loops 22 contact and adhere to the substrate 24. *See id.* at column 5, lines 7-8. The base 26 is a generally planar portion of the loop 22 that is attached to the substrate 24. In other words, each of the loops 22 of Thomas are attached to the substrate as individual loops. This is in direct contrast to the web construction recited by claims 21, 40, and 48, where a plurality of discrete polymeric regions are fused to the web and the plurality of stems extend from the discrete polymeric regions. Because, Thomas does not teach each and every element of claims 21, 40, and 48, such reference cannot anticipate claims 21, 40, and 48.

Claims 22-31, 33-35, 37, 39, 42-47, 50-53, and 55, which depend from one of independent claims 21, 40, and 48, are not anticipated by Thomas for the same reasons as presented above for claims 21, 40, and 48. In addition, such dependent claims each recite additional elements that further support patentability when combined with their respective independent claims.

For at least the above reasons, Applicants submit that claims 21-31, 33-35, 37, 39-40, 42-53, and 55 are not anticipated by Thomas. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Claims 21-22, 24-25, 29-30, 34, 36, and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lina (U.S. Patent No. 5,989,204). Applicants traverse this rejection.

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However, to further move this case towards issuance, Applicants have amended claim 21 to recite that the web includes two opposing sides and an indefinite length.

Applicants submit that claims 21-22, 24-25, 29-30, 34, 36, and 39 are not anticipated by Lina because all of the elements of claims 21-22, 24-25, 29-30, 34, 36, and 39 are not disclosed by Lina. For example, amended claim 21 recites that the web includes two opposing sides and a length. In contrast to claim 21, Lina teaches a foot wrap 1 with a complex shape that is formed of two sheets 2 and 3 which are bonded together with tabs 4, 5, and 7 extending away from a bladder 9. *See* Lina, column 3, lines 65-67. Hook patch 6 is then sewn or welded at or near the distal end of tab 5 and is located, as shown in FIG. 2, on the outer surface of inner sheet 3. *See id.* at column 5, lines 42-44. In other words, Lina does not teach a web having two opposing sides and an indefinite length, and a plurality of discrete polymeric regions fused to a first major side of the web as is recited, e.g., in claim 21. Because Lina does not teach each and every element of claim 21, Lina does not anticipate the claim.

Lina further does not anticipate claims 22, 24-25, 29-30, 34, 36, and 39, which depend from claim 21, for the same reasons as presented above for claim 21. In addition, claims 22, 24-25, 29-30, 34, 36, and 39 each recite additional elements that further support patentability when combined with claim 21. For example, claim 29 recites that the plurality of discrete regions includes a plurality of stripes extending over the first major side of the web. In contrast, the Office Action fails to provide any teaching in Lina that anticipates claim 29. Applicants submit that Lina instead teaches hook patch 6 and Velcro patch 8 that are sewn or welded onto the outer surface of inner sheet 3. *Id.* The two patches 6 and 8 do not form stripes extending over the first major side of a web as is recited in claim 29.

For at least the above reasons, Applicants submit that claims 21-22, 24-25, 29-30, 34, 36, and 39 are not anticipated by Lina. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

The 35 U.S.C. § 103 Rejections

Claims 32, 41, and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas as applied above, and further in view of Murasaki (U.S. Patent No. 5,643,651).

Applicants traverse this rejection and submit that claims 32, 41, and 54 are not *prima facie* obvious for at least the following reasons. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

Applicants submit that claims 32, 41, and 54 are not *prima facie* obvious because the combination of Thomas and Murasaki does not teach every element of such claims. As stated above in regard to the 34 U.S.C. § 102(b) rejection of claims 21, 40, and 48, from which claims 32, 41, and 54 depend, Thomas does not teach every element of claims 21, 40, and 48 (e.g., discrete polymeric regions). The addition of Murasaki does nothing to correct the deficiencies of Thomas.

For at least the above reasons, Applicants submit that claims 32, 41, and 54 are not *prima facie* obvious in view of the cited references. Reconsideration and withdrawal of the rejections are, therefore, respectfully requested.

Claim 36 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas (U.S. Patent No. 5,586,371).

Applicants traverse this rejection and submit that claim 36 is not *prima facie* obvious because Thomas does not teach every element of claim 36. Claim 36 depends from independent claim 21. As stated above in regard to the 35 U.S.C. § 102(b) rejection of claim 21, Thomas does not teach every element of claim 21. In addition, claim 36 recites additional elements that further support patentability when combined with claim 21.

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For at least the above reasons, Applicants submit that claim 36 is not *prima facie* obvious in view of Thomas. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lina as applied above, and further in view of Shepard et al. (U.S. Patent No. 6,205,623).

Applicants traverse this rejection and submit that claim 38 is not *prima facie* obvious because the combination of Lina and Shepard et al. does not teach every element of claim 38. Claim 38, which depends from claim 21, includes all of the elements of claim 21. As stated above in regard to the 35 U.S.C. § 102(e) rejection of claim 21, Lina does not teach every element of claim 21 (e.g., a web having two opposing sides and an indefinite length). The addition of Shepard et al. does nothing to cure the deficiencies of Lina.

In fact, the combination of Shepard et al. with Lina teaches away from the present invention. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. For example, Shepard et al. discloses discrete strips of hook material interposed between discrete strips of loop material, with the strips of hook material and strips of loop material being connected to each other along their edges. As a result, Shepard et al. does not disclose "a web coextensive with the web construction" with a first major side having a plurality of discrete polymeric regions fused thereto as is recited, e.g., in claim 21.

For at least the above reasons, Applicants submit that claim 38 is not *prima facie* obvious in view of the cited references. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

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Summary

It is respectfully submitted that the pending claims are in condition for allowance and

notification to that effect is respectfully requested. The Examiner is invited to contact

Applicants' Representatives, at the below-listed telephone number, if it is believed that

prosecution of this application may be assisted thereby.

                                        Respectfully submitted for
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16 JANUARY 2003   By: _____

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CERTIFICATE UNDER 37 C.F.R. § 1.8:
The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 C.F.R.
§ 1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C.
20231, on this _6th_ day of January, 2003, at _11:00 a.m._ (Central Time).

                        By: _____
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APPENDIX A - CLAIM AMENDMENTS
INCLUDING NOTATIONS TO INDICATE CHANGES MADE
Serial No.: 09/822,651
Docket No.: 54407US006

Amendments to the following are indicated by underlining what has been added and bracketing what has been deleted.

In the Claims

For convenience, all pending claims are shown below.

21.   **(Twice Amended)**   A web construction comprising:

a web coextensive with the web construction, wherein the web comprises two opposing sides and an indefinite length;

a plurality of discrete polymeric regions fused to a first major side of the web; and

a plurality of stems extending from each discrete polymeric region of the plurality of polymeric regions.

22.   A web construction according to claim 21, wherein the web comprises loop structures adapted to lock with the plurality of stems.

23.   A web construction according to claim 21, wherein the web comprises an elastic web.

24.   A web construction according to claim 21, wherein the web comprises fibrous material.

25.   A web construction according to claim 21, wherein the web comprises a porous web.

26.   A web construction according to claim 21, wherein the web comprises woven web material.

27.   A web construction according to claim 21, wherein the web comprises nonwoven web material.

28.   A web construction according to claim 21, wherein the web comprises knit web material.

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29.   A web construction according to claim 21, wherein the plurality of discrete regions comprises a plurality of stripes extending over the first major side of the web.

30.   A web construction according to claim 21, wherein the plurality of discrete regions comprises a plurality of patches on the first major side of the web.

31.   A web construction according to claim 21, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane.

32.   A web construction according to claim 21, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane, and further wherein the plurality of stems is angled in multiple directions.

33.   A web construction according to claim 21, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane, and further wherein the plurality of stems is angled in the same direction.

34.   A web construction according to claim 21, wherein the plurality of discrete regions covers between 1 and 99 percent of the first major side of the web.

35.   A web construction according to claim 21, wherein the plurality of discrete regions covers between 20 and 80 percent of the first major side of the web.

36.   A web construction according to claim 21, wherein the plurality of discrete regions covers between 5 and 25 percent of the first major side of the web.

37.   A web construction according to claim 21, wherein the plurality of discrete regions is

separated from one another by an average of approximately 0.05 and 30 centimeters.

38.   A web construction according to claim 21, wherein each stem of the plurality of stems

comprises a mushroom head.

39.   A web construction according to claim 21, wherein each stem of the plurality of stems

comprises a hook.

40.   (Twice Amended)   A web construction comprising:
        an elastic web coextensive with the web construction;
        a plurality of discrete polymeric regions fused to a first major side of the web; and
        a plurality of stems extending from each discrete polymeric region of the plurality of

polymeric regions, wherein the web defines a localized plane, and wherein the plurality of stems

[are]is oriented at an angle that is not normal to the localized plane.

41.   (Once Amended)   A web construction according to claim 40, wherein the web defines

a localized plane, and wherein the plurality of stems [are]is oriented at an angle that is not normal

to the localized plane, and further wherein the plurality of stems [are]is angled in multiple

directions.

42.   (Once Amended)   A web construction according to claim 40, wherein the web

defines a localized plane, and wherein the plurality of stems [are]is oriented at an angle that is

not normal to the localized plane, and further wherein the plurality of stems [are]is angled in the

same direction.

43.   A web construction according to claim 40, wherein the plurality of discrete regions comprises a plurality of stripes extending over the first major side of the web.

44.   A web construction according to claim 40, wherein the plurality of discrete regions comprises a plurality of patches on the first major side of the web.

45.   A web construction according to claim 40, wherein the web comprises loop structures adapted to lock with the plurality of stems.

46.   A web construction according to claim 40, wherein the web comprises fibrous material.

47.   A web construction according to claim 40, wherein the web comprises a porous web.

48.   **(Twice Amended)**   A web construction comprising:
        an elastic web comprising loop structures, wherein the elastic web is coextensive with the web construction;
        a plurality of discrete polymeric regions fused to a first major side of the web; and
        a plurality of stems extending from each discrete polymeric region of the plurality of polymeric regions, wherein the plurality of stems [are]is adapted to lock with the loop structures of the web.

50.   A web construction according to claim 48, wherein the web comprises fibrous material.

51.   A web construction according to claim 48, wherein the plurality of discrete regions comprises a plurality of stripes extending over the first major side of the web.

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52.   A web construction according to claim 48, wherein the plurality of discrete regions comprises a plurality of patches on the first major side of the web.

53.   A web construction according to claim 48, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane.

54.   A web construction according to claim 48, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane, and further wherein the plurality of stems is angled in multiple directions.

55.   A web construction according to claim 48, wherein the web defines a localized plane, and wherein the plurality of stems is oriented at an angle that is not normal to the localized plane, and further wherein the plurality of stems is angled in the same direction.